

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Michelle MacDonald Shimota and
Thomas G. Shimota,

Case No.: 15-CV-01590 (JRT/KMM)

Plaintiffs,

v.

Bob Wegner, individually, and in his
official capacity; Christopher Melton,
individually, and in his official
capacity; Timothy Gonder,
individually, and in his official
capacity; Jon Napper, individually
and in his official capacity; Daniel
Fluegel, Fluegel Law Firm P.A.,
Dakota County, and John and/or Jane
Does 1-10,

**DECLARATION OF PETER L.
GREGORY IN SUPPORT OF
MOTION TO QUASH SUBPOENA**

Defendants.

PETER L. GREGORY, hereby affirms under penalty of perjury, as follows:

1. I am an attorney with the law firm of Bassford Remele, a Professional Association, attorneys for Defendants Daniel Fluegel and Fluegel Law Firm P.A. (“Fluegel”).

2. My firm and I have been counsel of record for Fluegel since Fluegel appeared and interposed an answer to Plaintiffs’ complaint in this matter.

3. On November 22, 2016, I learned that Plaintiffs served on my client, Daniel Fluegel, a subpoena for deposition testimony and production of documents. Plaintiffs did

not serve a copy of this subpoena on me or otherwise notify me that this subpoena was forthcoming.

4. Upon receipt of the subpoena from my client, I placed a call to Plaintiff's counsel and followed up with an email requesting to meet and confer regarding the subpoena. Attached as Exhibit 1 is a true and correct copy of my November 22-23, 2016 emails with Plaintiff's counsel.

5. As of the time that this declaration was filed, Plaintiff's counsel did not return my phone call or provide any accommodation allowing time for further discussion of this issue without resort to a motion to quash.

Dated: November 23, 2016

/s/ Peter L. Gregory

Peter L. Gregory

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